

PROCEDURE FOR FORMATION OF A PROJECT AREA COMMITTEE
FOR THE
NORTH BAY REDEVELOPMENT PROJECT
SAN DIEGO, CALIFORNIA

Adopted by the San Diego City Council
On September 30, 1997
Resolution No. R-289249

Amended by the San Diego City Council
On July 15, 2003

TABLE OF CONTENTS

I.	[§100] GENERAL	4
A.	[§101] <u>Purpose</u>	4
B.	[§102] <u>Authority</u>	4
II.	[§200] DEFINITIONS.....	4
A.	[§201] <u>Agency</u>	4
B.	[§202] <u>Business</u>	4
C.	[§203] <u>Business/Property Owner</u>	5
D.	[§204] <u>City</u>	5
E.	[§205] <u>City Council</u>	5
F.	[§206] <u>Existing Community Organization</u>	5
G.	[§207] <u>Project Area</u>	5
H.	[§208] <u>Project Area Committee</u>	5
I.	[§209] <u>Redevelopment Project</u>	5
J.	[§210] <u>Resident</u>	5
K.	[§211] <u>Residential Owner-Occupant</u>	5
L.	[§212] <u>Residential Tenant</u>	6
III	[§300] PUBLICIZING THE OPPORTUNITY TO SERVE ON THE PROJECT AREA COMMITTEE.....	6
A.	[§301] <u>Posting Notice</u>	6
B.	[§302] <u>Display Advertisement</u>	6
C.	[§303] <u>Public Announcement</u>	6
D.	[§304] <u>Published and Mailed Notice</u>	6
E.	[§305] <u>Other Mechanisms to Publicize the Opportunity to Serve on the PAC</u>	6
F.	[§306] <u>Foreign Languages</u>	7
IV.	[§400] MEETINGS, HEARINGS AND PLEBISCITES.....	7
A.	[§401] <u>Public Meeting to Explain the PAC</u>	7
B.	[§402] <u>PAC Candidates Forum</u>	7
C.	[§403] <u>PAC Election Meeting</u>	8
D.	[§404] <u>Presentation of PAC to City Council</u>	8
V.	[§500] NOTICE OF MEETINGS, HEARINGS AND PLEBISCITES.....	8
A.	[§501] <u>Publication</u>	8
B.	[§502] <u>Notice by Mail</u>	8
C.	[§503] <u>Other Forms of Notice</u>	9
VI.	[§600] PAC MEMBERSHIP CATEGORIES.....	9
A.	[§601] <u>Categories</u>	9
B.	[§602] <u>Existing Community Organizations</u>	10
C.	[§603] <u>Vacancies in Membership Categories</u>	10

VII.	[§700] ELECTION PROCESS.....	10
A.	[§701] <u>Eligibility Requirements for Residents</u>	10
B.	[§702] <u>Eligibility Requirements for Business/Property Owners</u>	11
C.	[§703] <u>Eligibility Requirements for Community Organization</u> <u>Representatives</u>	12
D.	[§704] <u>Candidate Information Forms</u>	13
E.	[§705] <u>Registration to Vote</u>	13
F.	[§706] <u>Candidate Speeches</u>	14
G.	[§707] <u>Balloting</u>	14
H.	[§708] <u>Results</u>	15
VIII.	[§800] GENERAL PROVISIONS.....	15
A.	[§801] <u>Implementation</u>	15
B.	[§802] <u>Agency Costs</u>	15
C.	[§803] <u>Compensation of PAC Members</u>	15
D.	[§804] <u>Statement of Economic Interests</u>	16
IX.	[§900] AMENDMENT OF PROCEDURE.....	16

PROCEDURE FOR FORMATION OF A PROJECT AREA COMMITTEE

I. [§ 100] GENERAL

A. [§ 101] Purpose

The purpose of this document is to set forth a Procedure as required by the Community Redevelopment Law, California Health and Safety Code Sections 33000 et. seq. (the “Law”), relating to the formation of a project area committee in connection with the adoption of the redevelopment plan for the North Bay Redevelopment Project. The City Council of the City of San Diego has determined that a substantial number of low and moderate income families may be affected and/or displaced by the proposed redevelopment project, and it has directed the Redevelopment Agency of the City of San Diego to form a project area committee. The Agency shall comply with this Procedure to for formation of Project Area Committee (“Procedure”) to form and select the project area committee.

B. [§ 102] Authority

This Procedure has been adopted by resolution of the City Council of the City of San Diego, pursuant to Section 33385 of the Law.

II. [§ 200] DEFINITIONS

Whenever the following terms are used in this Procedure, unless otherwise defined, such terms shall have the meaning ascribed to them in this Article 200.

A. [§ 201] Agency

“Agency” means the Redevelopment Agency of the City of San Diego and any officers, employees, contractors and agents, including those in City departments who may be assigned the duties and responsibilities for implementing this Procedure.

B. [§ 202] Business

“Business” means any lawful activity having been conducted within the Project Area for two (2) years or more by a for profit entity only whose overall function and purpose are primarily:

- (1) For the purchase, sale, lease, or rental of personal and real property and for the manufacture, processing, or marketing of products, commodities, or any other personal property; or
- (2) For the sale of services to the public.

C. [§ 203] Business/Property Owner

“Business/Property Owner” means any person or legal entity which owns and operates

a facility within the Project Area or that owns property in the Project Area for investment and not for occupancy.

D. [§ 204] City

“City” means the City of San Diego, California.

E. [§ 205] City Council

“City Council” means the legislative body of the City of San Diego.

F. [§ 206] Existing Community Organization

“Existing Community Organization” means any existing nonprofit association of persons and/or entities which has its headquarters or a site office within the Project Area, or a substantial number of whose constituents are persons and/or entities within the Project Area, and which association is generally recognized within the Project Area as a community organization. The Organization is required to have been in existence for at least two (2) years prior to any PAC election for which they are a candidate.

G. [§ 207] Project Area

“Project Area” means that area heretofore designated and selected by the Planning Commission of the City of San Diego, as the proposed North Bay redevelopment Project Area.

H. [§ 208] Project Area Committee

“Project Area Committee” or “PAC” means the committee formed and selected pursuant to Section 33385 of the Law and in accordance with this Procedure.

I. [§ 209] Redevelopment Project

“Redevelopment Project” means the North Bay Redevelopment Project which is being considered for adoption pursuant to Law.

J. [§ 210] Resident

“Resident” means any person who owns, leases, or rents a residential dwelling within the Project Area and occupies the same as his or her residence.

K. [§ 211] Residential Owner-Occupant

“Residential Owner Occupant” means any resident who owns all or a substantial fee interest in the dwelling unit which he or she occupies.

L. [§ 212] Residential Tenant

“Residential Tenant” means any resident who occupies his or her dwelling unit by right under a lease, rental agreement, or other arrangement with the owner of the dwelling unit. Family members who reside with residential owner occupants but own no fee interest in the residential dwelling are considered residential tenants.

III. [§ 300] PUBLICIZING THE OPPORTUNITY TO SERVE ON THE PROJECT AREA COMMITTEE.

The Agency shall publicize the opportunity to serve on the PAC. The Agency may take any or all of the following actions to publicize the opportunity to serve on the PAC:

A. [§ 301] Posting Notice

The Agency may post in conspicuous locations throughout the Project Area, notice of the opportunity to serve on the PAC. Such notices may also be posted in the following locations:

- (1) Office of the City Clerk
- (2) Foyer of the City Administration Building; and
- (3) Public buildings in the Project Area

B. [§ 302] Display Advertisement

The Agency may place notice of the opportunity to serve on the PAC in a display advertisement in a newspaper of general circulation with the City.

C. [§ 303] Public Announcement

The Agency may make an announcement to the general public at any of its regular meetings held prior to any public meetings, hearings, or plebiscites required by this Procedure, announcing the opportunity to serve on the PAC.

D. [§ 304] Published and Mailed Notice

The Agency may include notice of the opportunity to serve on the PAC in any published and/or mailed notice by which the Agency announces any meeting, hearing, or plebiscite related to the formation and selection of the PAC, in accordance with the Law and this Procedure.

E. [§ 305] Other Mechanisms to Publicize Opportunity to Serve on PAC

The Agency may produce radio advertisements, distribute flyers, or undertake such other action as it deems necessary or advisable to further publicize the opportunity to serve on the PAC.

F. [§ 306] Foreign Languages

The Agency may, if it determines necessary or advisable to effectively carry out the

purpose of this Procedure, translate any of the notices or announcements required by this Procedure into another language.

IV. [§ 400] MEETINGS, HEARINGS AND PLEBISCITES

The Agency shall conduct meetings, hearings and plebiscites as necessary or appropriate to explain and form the PAC.

A. [§ 401] Public Meeting to Explain the PAC

The Agency shall conduct a minimum of one (1) public meeting to explain the establishment of, functions of and opportunity to serve on the PAC. At such public meeting, the Agency shall distribute copies of the following documents:

- (1) This Procedure;
- (2) The North Bay Preliminary Redevelopment Plan or the pertinent portions thereof; and
- (3) Any other materials the Agency determines would be useful.

In addition to the material listed above, the Agency may distribute copies of the following documents:

- (1) Sections 33347.5, 33366 and 33385 through 33388, inclusive, of the Law;
- (2) Candidate Information Forms, as defined in Section 704 of this Procedure; and
- (3) Any other materials the Agency determines would be useful.

The number of copies to be made available at the meeting shall be sufficient to meet the estimated anticipated number of attendees. Additional copies of the material shall be sufficient to meet the estimated number of attendees anticipated. Additional copies of the materials shall be available to the public at a place or places designated by the Agency.

The Agency may limit the number of documents to be distributed to any one person or entity to (1) set, in order to avoid excessive and unnecessary costs. Any person or entity may request additional copies of the documents at a reasonable duplication cost.

B. [§ 402] PAC Candidates Forum

After the Agency conducts the public meeting to explain the PAC, as required in Section 401 of this Procedure, the Agency shall hold such other public meeting or meetings as may be necessary to introduce PAC candidates and to provide an opportunity for all PAC candidates to deliver a speech or participate in a candidates' forum. All eligible PAC candidates shall be invited to attend this meeting and participate in its proceedings.

C. [§ 403] PAC Election Meeting

After the Agency conducts the public meeting to explain the PAC, as required in Section 402 of this Procedure, the Agency shall hold such other meeting or meetings as may be necessary to complete the formation and selection of the PAC. The purpose of such meeting or meetings shall be to hold an election for the PAC membership in accordance with requirements of this Procedure. The PAC Election Meeting may be combined with the PAC Candidates Forum at the discretion of the Agency.

D. [§ 404] Presentation of PAC to City Council

After the formation and selection of the PAC, the results shall be presented to the City Council at a public meeting. Notice of the date of presentation of the results to the City Council shall be announced at the PAC formation meeting or meetings, and notice shall be provided to residents and businesses in accordance with Article 500 of this Procedure. During such meeting, the public shall be given the opportunity to make any comments or objections to the election process or any action of the Agency in carrying out this Procedure.

V. [§ 500] NOTICE OF MEETINGS, HEARINGS AND PLEBISCITIES

The Agency shall provide notice of all meetings, hearings, or plebiscites conducted by, or on behalf of, the Agency or City Council related to the formation and selection of the PAC.

A. [§501] Publication

The Agency shall provide published notice of all meetings, hearings, or plebiscites conducted by, or on behalf of, the Agency or City Council relative to the formation and selection of the PAC.

Each notice shall be published at least one (1) time in a newspaper of general circulation within the City at least ten (10) days prior to the date established for the applicable meeting, hearing, or plebiscite and in the manner required by the Law.

In lieu of publishing separate notice for each such meeting, hearing, or plebiscite, the Agency may publish combined notices setting forth all or some of the dates, times, and locations of such meetings, hearings, and plebiscites.

B. [§502] Notice by Mail

The Agency shall provide written notice to all residents, businesses and community organizations in the Project Area of all meetings, hearings, or plebiscites conducted by, or on behalf of, the Agency or City Council related to the formation and selection of the PAC. The mailed notice requirement shall only apply when mailing addresses to all the individuals and businesses or to all occupants are obtainable by the Agency at a reasonable cost.

The notice shall be mailed by first class mail but may be addressed to “occupant.” In lieu of providing a separate notice for each meeting, hearing, or plebiscite, the Agency may provide combined notices pursuant to this section, stating all or some of the dates, times and

locations of such meetings, hearings and plebiscites.

If the Agency has acted in good faith to comply with the notice requirements of this section, the failure of the Agency to provide the required notice to residents or businesses unknown to the Agency or whose addresses could not be obtained at a reasonable cost, shall not in and of itself, invalidate the formation or actions of the PAC.

C. [§ 503] Other Forms of Notice

The Agency may post notices, distribute flyers, or undertake such other actions at it deems necessary or advisable in order to further inform Residential Owner Occupants, Residential Tenants, Business/Property Owners, and Existing Community Organizations within the Project Area of the formation and selection of the PAC.

VI. [§ 600] PAC MEMBERSHIP CATEGORIES

A. [§ 601] Categories

The PAC shall have thirty (30) members selected according to the following categories and numbers:

1. Four Residential Tenants At-Large elected by residential tenants who live in the Project Area;
2. One Residential Owner-Occupant who lives in the Project Area;
3. Eight Business/Property Owners, one from each Community Planning Group area that is within the Project Area and one At-Large;
4. Thirteen Community Organization representatives; and
5. Four Ex-Officio/Non-Voting representatives; one each from the United States Navy, United State Marine Corps, San Diego Unified Port District and California Department of Transportation.

Any person eligible to be a candidate in more than one membership category must chose one of the membership categories. Proof of eligibility must be provided for the category chosen.

B. [§ 602] Existing Community Organizations

Community organizations include nonprofit organizations, such as the following:

1. Social Service Organizations and Civic/Cultural organizations.

a. “Social Service Organizations” are charitable organizations that have as their focus the provision of support services within the Project Area such as shelter, food and

clothing, counseling and medical assistance;

b. “Civic/Cultural Organizations” are:

i. Civic organizations that have as their focus, the betterment of all or a portion of the Project Area by the promotion of activities and events involving planning, business conditions, or quality of life issues;

ii. Cultural organizations that have as their focus the preservation of ethnic culture, historical preservation, music, theater, dance, art and similar programs within the Project Area; and

2. “Community Planning Groups” are organizations recognized by the City Council that provide community planning and land use recommendations to the Planning Commission and City Council for areas within the Project Area, namely, Clairemont Mesa, Linda Vista, Old Town, Uptown, Midway, Mission Valley and Peninsula.

Community Organization representatives shall be elected by all individual voters as well as voting on behalf of community organizations.

C. [§ 603] Vacancies in Membership Categories

Should there be an insufficient number of candidates elected to each category of the PAC, such seats may remain vacant until qualified candidates apply and a subsequent election is held. The existence of vacancies shall not prevent the PAC from carrying out its duties as required by the Law.

VII. [§ 700] ELECTION PROCESS

Prior to each annual PAC election to be held after the initial three (3) year term of the PAC as required by the Law, the City Council may authorize Agency staff to notice and conduct the PAC election according to these Procedures.

A. [§ 701] Eligibility Requirements for Residents

Eligibility requirements for candidates are the same as for voters.

Candidates and voters in the Residential Owner-Occupant categories must present proof that they own the property on which they reside and that they are 18 years of age or older.

Proof of eligibility for Residential Owner-Occupant may include any of the following documents and materials, as applicable:

Residential Owner-Occupant

- 1) Deed of Trust
- 2) Deed to Property

- 3) Property Tax Bill
- 4) Bill of Sale
- 5) Sales Contract
- 6) Water Utility Bill
- 7) Mortgage Payment Contract
- 8) Mortgage Payment Book
- 9) Current County Assessor Property Owner Listing
- 10) Any other documents or materials which the Agency may deem acceptable

Candidates and voters in the Residential Tenant categories must present proof that they are 18 years of age or older and rent or lease their residence in the Project Area.

Proof of eligibility for Residential Tenants may include any of the following documents and materials, as applicable:

- 1) California Driver's License
- 2) California Identification Card
- 3) Lease or Rental Agreement
- 4) Lease or Rental Receipt
- 5) Housing Commission or Rental Assistance Contract
- 6) Utility Bill (other than water)
- 7) Any other documents or materials which the Agency may deem acceptable

Eligibility documentation must be current and must indicate the correct name of the individual and the qualifying address of his or her residence, as appropriate.

B. [§ 702] Eligibility Requirements for Business/Property Owners

Eligibility requirements for candidates are the same as for voters.

Candidates and voters in the Business/Property Owner category must present proof that she or he is 18 years of age or older and owns a business/property located within the Project Area. Two (2) forms of proof or proof of eligibility, (one being a property tax bill, lease, deed of property, or other document proving business activity at the address on the Business Tax Certificate) shall be required. Business must be in existence at least two (2) years prior to the date of the PAC election.

- 1) Business Card
- 2) Business Stationary
- 3) Business License
- 4) Stock Certificate
- 5) Certificate of Incorporation
- 6) Articles of Incorporation
- 7) Corporation By-laws
- 8) Deed of Trust

- 9) Deed to Property
- 10) Property Tax Bill
- 11) Lease
- 12) Bill of Sale
- 13) Sales Contract
- 14) Water Utility Bill
- 15) Current County Assessor Property Owner Listing
- 16) Any other documents or materials which the Agency may deem acceptable

Eligibility documentation must be current and must indicate the correct name of the individual and the address of his or her residence or business as appropriate.

No more than one stockholder or officer of a corporation may be registered as a voter or candidate on behalf of that corporation.

Business owner may vote or designate in writing one person (who must be an employee of the business) as proxy. Proxy must be submitted at least 72-hours in advance of the time and date of the PAC election.

C. [§ 703] Eligibility Requirements for Existing Community Organization Representatives

Each community organization shall be entitled to designate one person each to: a) vote on its behalf for each of the community organization seats; and b) be a candidate to represent the organization on the PAC. Persons selected to vote on behalf of community organizations will be allowed to cast votes only for that category unless they are also registered in another category as an individual.

In order to determine the eligibility of a representative from an existing community organization for membership on the PAC, a person must present proof that he or she is 18 years of age or older and must submit the following:

- 1) Existence of the organization at least two (2) years prior to any PAC election for which they are a candidate;
- 2) Existence and operation within the Project Area, such as articles of incorporation, by-laws, non-profit status, business license or such other documentation;
- 3) A resolution or minutes of the organization's legislative or executive body designating its representative and authorizing such person to act on its behalf; and
- 4) Such other documentation which the Agency may deem necessary to carry out the intent of this Section.

Eligibility requirements for candidates are the same as for voters.

D. [§ 704] Candidate Information Form

Anyone interested in serving on the PAC must submit to the Agency a completed “Candidate Information Form” no later than 72-hours prior to the time and date of the PAC election. Write-in candidates will not be allowed. Copies of Candidate Information Forms will be made available at the PAC formation meeting(s) and will otherwise be available by request to the Agency.

The Candidate Information Forms will call for the following information:

- 1) The name and address of the candidate; including “qualifying address,” if different;
- 2) The membership category for which the candidate is running; and
- 3) A brief statement of the candidate’s qualifications

All candidates must submit a signed Candidate Information Form and proof of eligibility to serve on the PAC prior to the Agency-announced submission deadline.

E. [§705] Registration to Vote

Prior to the election, anyone interested in voting must complete a “Certification of Eligibility to Vote” form and provide proof of eligibility to vote as described in Sections 701 through 703 of this Procedure. Voters will be given one ballot which will contain all the categories for which they are eligible to vote.

The designated representatives of existing community organizations each shall be given one ballot for the appropriate category of Existing Community Organization representative. This ballot would be in addition to any ballots the designated representative would be eligible to receive as an individual.

Any person eligible to be a candidate in more than one membership category must choose one of the membership categories. Proof of eligibility must be provided for the category chosen.

F. [§ 706] Candidate Speeches

All candidates from each membership category shall be given a reasonable opportunity to make a speech at the public meeting held for this purpose prior to the election. The Agency shall establish the period of time allowed for each speech, taking into consideration the number of candidates and other circumstances surrounding the election.

Candidates shall not be allowed to conduct electioneering within 100 feet of the polling place.

G. [§ 707] Balloting

Crossover voting between categories of Residential Owner-Occupants, Residential Tenants and Business Owners is prohibited.

Each voter will receive ballot(s) in the categories in which he or she is eligible to vote.

The following ballots shall be provided:

- 1) Residential Tenant At-Large (4)
- 2) Residential Owner-Occupant At-Large
- 3) Business/Property Owner (8) (One from each Community Planning Group that is within the Project Area specifically, Clairemont Mesa, Linda Vista, Old Town, Uptown, Midway, Mission Valley and Peninsula for a total of seven; and one at-large)
- 4) Community Organizations (13) (One from each Community Planning Group Area that is within the Project Area specifically, Clairemont Mesa, Linda Vista, Old Town, Uptown, Midway, Mission Valley and Peninsula for a total of seven; and six at-large from Social Service Organizations and/or Civic/Cultural Organizations)

All persons other than those selected to vote on behalf of community organizations will be allowed to cast votes in a total of two categories, one in the chosen category and one in the Existing Community Organization category. Voters will vote for as many candidates as there are seats open in a category. Persons selected to vote on behalf of a community organization will be allowed to cast a vote only for that category unless they are also registered in another category as an individual.

Voting shall be conducted by secret ballot. The Agency may set up private booths, but such booths are not required. The Agency shall make reasonable effort to insure private voting. Simply folding the ballot and passing it to an authorized election assistant will suffice.

The counting of ballots shall occur at the meeting in a manner so as not to disturb the rest of the election meeting. A representative from the City Clerk's office will be present to observe the count and provide official verification. The public also will be invited to observe the count.

H. [§ 708] Results

Agency staff shall announce the winners of the election as soon as possible after the balloting has concluded. The candidates with the highest number of votes in each category shall be elected until all seats for each category are filled.

In the event of a tie vote, the flip of a coin administered by a representative of the City Clerk's Office shall decide the winner. Run-off elections will not be conducted to resolve tie votes. Final election results shall be presented to the City Council for ratification no later than thirty days after the PAC election.

In the event that a vacancy occurs prior to the City Council's ratification of the election, the candidate with the next highest number of votes for that vacant seat, as determined by the official verifying the election results, shall be submitted along with all others for City Council ratification. If there are no candidates remaining, the seat shall remain vacant until such time as

the Project Area Committee is ratified and takes office, and a procedure is adopted by that body as to the method of filling vacancies.

Agency staff shall announce that the election results (including ballots) will be kept for presentation to the City Council in the event of any challenges to the election process. Any challenges to the election of any member to the PAC must be made in writing and submitted to the City Council no more than fifteen calendar days after the election. The validity of all challenges shall be determined within 30 days following the date of the election. Any challenge must be directed to the propriety of the election itself and not to the results (except in so far as the election procedures affected the results). The decision of the City Council shall be final.

VIII. [§ 800] GENERAL PROVISIONS

A. [§ 801] Implementation

The Agency is authorized to formulate and take all actions necessary or appropriate to implement this Procedure consistent with the Procedure and the Law.

B. [§ 802] Agency Costs

The Agency may charge fees to persons purchasing or leasing property from the Agency in the Project Area and to persons participating in the redevelopment of the Project Area under an owner participation agreement in order to defray any cost to the agency or the City Council of complying with this Procedure.

C. [§ 803] Compensation of PAC Members

The members of the PAC shall serve without compensation.

D. [§ 804] Statement of Economic Interests

As required by the California Political Reform Act, PAC members shall be required to file annually California Form 700, Statement of Economic Interests. The City Clerk's Office shall administer the filing of Form 700 for PAC members.

IX. [§ 900] AMENDMENT OF PROCEDURE

The City Council may amend this Procedure to make any necessary adjustments or changes to effectively form and select a representative PAC.

